

a method of making the welding helmet, including the features of claim six. This finding is traversed.

The method of claim six is inherent in the disclosure. A person of ordinary skill in the art, in particular, in the manufacture of welding helmets, would necessarily and immediately recognize that the welding helmet disclosed would be made by molding which would require preparing a mold, having a reverse structure of the recited features. In fact, the examiner recognizes this in the rejection of paragraph six of the Office Action, citing Stein et al in which he states, "it is inherent that the welding helmet shown in figure 2 is molded using a mold having a reverse structure of an animal skull facial features because as seen by the cross section of helmet 10, it is made of plastic. The helmet would clearly have to be molded to obtain the shape shown in figure 2. Alternatively, official notice is taken that it was known to a person of ordinary skill in the art, at the time of the invention, to have molded the welding helmet of Stein et al., in order to create the desired contours of the welding helmet."

Similarly, the same recognition by a person of skill in the art and the same official notice should be taken with respect to the present invention. It is well known that welding helmets are made of molded plastic.

2. The examiner has not allowed the claimed priority date back to the earliest parent application date of April 14, 1997. The examiner's position is that the present application adds and claims additional disclosure. This is traversed.

Since the disclosure is identical in all prior applications, it is assumed that the examiner is referring to the content of the claims; in particular claim six. The remarks above with respect to the use of a mold having a reverse structure are applicable to this rejection. Consequently, it is submitted that the content of the claim is included in the application or is inherently known to one of ordinary skill in the art or official notice may be taken of such content. The cross-section of fig. 2 of Stein, as stated by the examiner, indicates plastic molding; as do the cross sections of figs. 3 and 4 of the present application.

4. A new page of figures 1-4 is enclosed in which fig. 1 is indicated as "Prior Art." However, reference to the specification indicates that figs. 2 and 3 are not prior art.

6. Claims 6 and 11-13 were rejected under Section 102(b) as anticipated by or in the alternative under 103(a) as obvious over Stein et al. This rejection is traversed.

The welder's helmet of Stein in no way shows any animal features. The examiner's conclusion that the openings to receive lenses 15 and 12 are in effect a "nose feature" of an animal "skull" because a skull has a cavity where the nose is clearly added by the examiner's retrospective imagination. Further, the examiner's identification of a mouth feature in the place where the angled shaped air director 20 is located is without merit. The fitting of the welding helmet lens in Stein et al is adjacent where the eyes of the user would be, as shown in fig. 5 but this does not in any way show or make obvious configuring the contours of the welding helmet to have animal features such as in applicant's figs. 8 and 9.

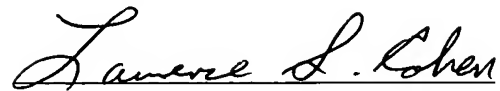
With respect to claims 11, 12, and 13, the examiner's findings that these features are shown in or are obvious from Stein is without merit. The simple fact is that Stein, aside from the peculiar features of his invention, is a conventional welding helmet, shaped generally to protect the user's face. There are no animal features shown nor is there any suggestion or motivation in Stein, et al for such features.

7, 8, and 9. Each of the rejections under section 103(a) relies on either Robinson, et al. (Des 145,260) or Robinson et al. (Des 426,350). These rejections are traversed.

Since the present application as submitted above is entitled to the filing date of the first parent application, filed on April 14, 1997, the application filing date predates the date from which the two design applications are available for citation.

In view of the remarks above, reconsideration is requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lawrence S. Cohen". The signature is written in black ink and is positioned above the printed name.

Lawrence S. Cohen

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